

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of:)
)
Revision of the Commission's) CC Docket No. 94-102
Rules to Ensure Compatibility) RM-8143
With Enhanced 9-1-1 Emergency)
Callings Systems)

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Petition for Reconsideration

The XYPOINT Corporation (pronounced zi-point and hereinafter referred to as "XYPOINT") hereby submits its petition for reconsideration and clarification of the above-captioned *Report and Order*¹. In support thereof, XYPOINT states as follows:

Introduction

XYPOINT is a Seattle-based company that provides location-enhanced services to the wireless industry. Specifically, it will conduct full-scale carrier trials in the 4th quarter of 1996 with commercial service available late in the first quarter of 1997, which provides (1) Automatic Number Identification ("ANI") transmission of a mobile subscriber's 10 digit directory number; (2) Automatic Location Identification ("ALI") based on location parameters² transmitted by the wireless carrier; (3) translation of location information to ESN data; (4) data transfer support to ensure caller information is available to the appropriate PSAP; and, (5) maintenance of all necessary databases. XYPOINT's service is comprised of a gateway server, PSAP and customer name databases, and necessary

¹ In the Matter of Revision of the Commission's Rules To Ensure Compatibility with Enhanced 9-1-1 Emergency Calling Systems, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 96-264, __ FCC Rcd __ (released July 26, 1996)(hereinafter "*Report and Order*").

² Initially, wireless carriers are expected to transmit cell sector data.

connectivity to mobile switching centers and PSAPs. Furthermore, XYPOINT's service has been designed in part, to meet the Phase I requirements of the *Report and Order* and will be able to provide additional solutions as the neutral technical liaison between wireless carriers and PSAPs to ensure that correct data is delivered to the PSAP accurately, efficiently and effectively.

XYPOINT applauds the Commission for its adoption of the *Report and Order* since it will serve as the framework for implementation of wireless E9-1-1 services on a nationwide basis for which virtually all parties to this proceeding express support. However, as one of the few companies that has developed a service to assist wireless carriers and PSAPs in meeting the newly established requirements of this proceeding, XYPOINT requests that the Commission reconsider and/or clarify its decision in the following two respects:

First, the FCC should clarify that the *Report and Order* requires the transmission of ANI in the form of the full 10-digit directory number.

Second, the FCC should reconsider the *Report and Order* to eliminate the requirement that 9-1-1 calls from non-service initialized wireless phones be passed to PSAPs.

I. 10 Digit ANI Transmission

XYPOINT supports the rules which require the transmission of ANI and ALI for wireless phones. The ability to know the identity and location of a 9-1-1 caller is essential to the effectiveness of the 9-1-1 system. In most cases, the current wireline-based 9-1-1 system supports only the transmission of a 7 digit directory number along with a single information digit from which the caller's area code is derived based on the location of the

origination of the 9-1-1 call. Because wireless callers are mobile, they can originate 9-1-1 calls from anywhere in the country, despite the fact that their telephone numbers are geographic in nature. Due to the inherent mobility of wireless customers, any number other than the true customer call back number adds confusion (and administrative obstacles) to PSAP operators who may be required to learn (or have on file) various codes utilized by individual carriers, technologies or geographic areas.

In the case of roaming customers, situations where the PSAP call back is delayed, customers who continue traveling after calling 9-1-1, and areas with multiple area codes, it is probable that allowing a number of methods other than the 10 digit call back number means PSAPs will see lower success rates in calling back 9-1-1 callers.

The most accurate, useful and technologically consistent method of ensuring PSAP call back is to require the full 10-digit call back number.

Thus, XYPOINT requests that the Commission clarify its rules by requiring the transmission to the PSAP of a wireless caller's full 10 digit ANI.

II. Non-Service Initialized Phones

In the original NPRM in this proceeding the Commission tentatively concluded that it would require the transmission of 9-1-1 calls only from service initialized wireless phones. In the *Report and Order*, however, a rule was adopted to require the transmission and processing of wireless 9-1-1 calls from service initialized as well as non-service initialized wireless phones as long as the handset had code identification and a PSAP requested that such calls be transmitted. The Commission's decision is based, at least in part, on its assumption that transmission of 9-1-1 wireless calls from code-identified, non-service initialized wireless phones is comparable to transmission of 9-1-1

calls from public payphones. Aside from the fact that the comparison to public payphones is not valid since the PSAP can call the payphone back, the suppliers of the payphones are compensated and the network service providers are aware of their existence and locations thereby enabling networks to be designed to accommodate public payphones, the rule should be reconsidered for three separate reasons.

A. Call Back

Wireless phones which have not been service initialized, in many cases, will not have a unique code identifier to transmit as ANI. For example, “default” MINs are sometimes programmed by manufacturers of wireless phones; MINs are reassigned when customers cancel their subscriptions; and MINs are illegally cloned by those who commit wireless fraud.

Though XYPOINT fully supports the rules which require both ANI and ALI to be transmitted, a requirement to transmit ANI from non-service initialized wireless phones could undermine the Commission’s laudable goal based on the fact that the code identifier transmitted to the PSAP is not verifiable. A valid ANI is required to call the subscriber back should the call become disconnected (voluntarily or involuntarily) or should later follow up be required. Without a valid ANI, the PSAP has no way of knowing who really made the call, a situation that is considered unacceptable in the landline environment. In fact, the ability to verify the number of the wireless caller was one of the primary motivations for proposing wireless 9-1-1 rules.

B. Fraud and Crime

There are numerous examples in the industry of emergency response officials being lured into dangerous situations by anonymous wireless phone callers intent on abusing the system to commit a crime. One widely publicized incident occurred in New York City in 1992. A police officer was dispatched to a location based upon a wireless phone call and was subsequently killed. There was no way to uncover the identity of the caller. Other incidents have been documented where wireless callers reported an emergency in one location so they could divert police resources and commit a crime elsewhere. A requirement to transmit wireless 9-1-1 calls from non-service initialized phones clearly increases the chances that such calls will be used in the furtherance of fraud and/or crimes.

C. Cost Recovery

Wireless subscribers who are service initialized supply the revenue stream to support the wireless 9-1-1 system. To allow 9-1-1 calls to be made from non-service initialized phones encourages customers who want a wireless phone for personal security to purchase a phone but not to subscribe to service. It will become common knowledge that wireless phones can access 9-1-1 even if the customer does not subscribe to service.

Non-service initialized customers would effectively require paying subscribers to absorb all of the costs necessary to support the provision of wireless 9-1-1 services. Thus, non-service initialized customers will not support the cost of providing 9-1-1 services but will use the resources paid for by service initialized customers. In some cases, because 9-1-1 systems do not have unlimited capacity to handle an unlimited number of calls in a given time frame, use of the wireless 9-1-1 system by non-service initialized customers

may even prevent service initialized customers from accessing the 9-1-1 system and getting the assistance for which they are paying.

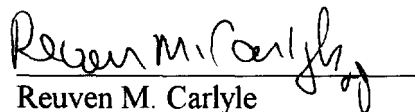
For the foregoing reasons, XYPOINT asserts that a rule which requires wireless carriers to transmit 9-1-1 calls from non-service initialized handsets is not in the public interest and should be eliminated.

Conclusion

XYPOINT enthusiastically supports the nationwide implementation of wireless 9-1-1 and E9-1-1 service. It is well known that tens of millions of citizens will join the mobile communications revolution in the years to come. Public safety and security--represented by a world-class, ubiquitous, 9-1-1 system--is in everyone's best interests. The *Report and Order*, in fostering wireless E9-1-1, sets the stage for the nation's 9-1-1 system to mature and develop and better serve citizens.

We believe that Commission reconsideration of the *Report and Order* as reflected above, assists in the development of an effective and efficient wireless E9-1-1 system.

Respectfully submitted,



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